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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 DONALD SHERMAN,

13 Plaintiff,

14 v.

15 HAROLD WICKHAM, in his personal
16 capacity; KIM THOMAS, in his personal
17 capacity; WILLIAM GITTERE, in his
18 personal capacity and in his official capacity as
19 Deputy Director of Operations of the Nevada
20 Department of Corrections; BRIAN
21 WILLIAMS, in his official capacity as Deputy
22 Director of Programs of the Nevada
23 Department of Corrections; WILLIAM
24 REUBART, in his personal capacity and in his
25 official capacity as Warden of Ely State
26 Prison; DAVID DRUMMOND, in his official
27 capacity as Associate Warden of Ely State
28 Prison; and TASHEENA COOKE, in her
official capacity as Associate Warden of Ely
State Prison,

Defendants.

Case No. 3:21-cv-00168-ART-CSD

ORDER APPROVING

**STIPULATION TO EXTEND
DEADLINE FOR FILING NOTICE
RELATING TO PROPOSED RELIEF
IN ACCORDANCE WITH THE
COURT'S ORDER OVERRULING
OBJECTIONS TO REPORT AND
RECOMMENDATION (DKT. NO. 80)**

(Third Request)

Hon. Anne R. Traum
Hon. Craig S. Denney

STIPULATION TO EXTEND DEADLINE FOR FILING NOTICE RELATING TO
PROPOSED RELIEF

On August 3, 2022, the Honorable Craig S. Denney issued a Report and Recommendation granting in part Plaintiff Donald Sherman’s Renewed Motion for Preliminary Injunction. *See* Dkt. No. 62. In that order, the Court recommended that the motion be granted and that “the parties should be directed to meet and confer regarding the specifics” of Mr. Sherman’s access to the sweat lodge, and that “[i]f the parties reach an agreement, they should be directed to file a stipulation with the court outlining their agreement within 21 days of the date of any order adopting and accepting this Report and Recommendation for the court’s approval.” *Id.* at 21.

On March 29, 2023, the Honorable Anne R. Traum issued an Order Overruling Defendants’ Objections to Magistrate Judge Denney’s Report and Recommendation. *See* Dkt. No. 80 (“Order”). In the Order, the Court ordered the parties to “meet and confer regarding the specifics of Sherman’s access to the sweat lodge,” and dictated that within 21 days of that order, the parties must file “a stipulation outlining their agreement for the Court’s approval” or a notice indicating that they cannot reach an agreement. *Id.* at 17. Following the issuance of the Court’s March 29, 2023 Order, the parties have met and conferred regarding the specifics of Mr. Sherman’s sweat-lodge access, and their negotiations are ongoing.

On April 19, 2023, and on May 10, 2023, the parties filed stipulations to extend the deadline for filing a notice of proposed relief relating to Mr. Sherman’s sweat lodge access by 21 days. *See* Dkt. Nos. 81, 87. The Court issued orders approving the parties’ stipulations. *See* Dkt. Nos. 82, 88.

Since the issuance of the Order, the parties have met and conferred regarding the specifics of Mr. Sherman’s sweat lodge access. And since filing the stipulations, the parties have continued to engage in good faith negotiations. To permit the parties to continue conferring about Mr. Sherman’s access, the parties stipulate, subject to the Court’s approval, to extend the deadline to file a stipulation relating to Mr. Sherman’s access or a notice relating to the parties’ efforts by 21 days—to June 21, 2023. This is the third stipulation to extend the deadline in the

1 Court's March 29, 2023 Order, and is being made in the interest of conserving the parties' and
2 the Court's resources and avoiding unnecessary motion practice.

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6 Respectfully submitted,

7 Dated: May 31, 2023

O'MELVENY & MYERS LLP

8 By: /s/ Daniel J. Tully

9 Daniel J. Tully

10 *Attorneys for Plaintiff Donald Sherman*

11 Dated: May 31, 2023

12 LAW OFFICES OF KRISTINA
WILDEVELD & ASSOCIATES

13 By: /s/ Lisa A. Rasmussen

14 Lisa A. Rasmussen

15 *Attorney for Plaintiff Donald Sherman*

16 Dated: May 31, 2023

17 OFFICE OF THE NEVADA ATTORNEY
GENERAL

18 By: /s/ Chris W. Davis

19 Chris W. Davis

20 *Attorney for Defendants Harold Wickham et al*

21
22 **IT IS SO ORDERED.**

23 

24 Anne R. Traum

25 United States District Court Judge

26
27 DATED: June 5, 2023